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EXAMINER

SEREBOFF, NEAL

ART UNIT

PAPER NUMBER

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

DETAILED ACTION

Response to Amendment

1. In the Amendment filed 8/15/2008, the following has occurred: Claims 1, 8 and 24 have been amended. Now, claims 1 – 27 are pending.

Notice to Applicant

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. As required by MPEP § 2181(I), claim 8 is being treated under 35 U.S.C. 112, 6th paragraph.

4. In the Office Action dated 7/31/2007, the Examiner made several Official Notice statements. The Applicant's reply, dated 2/11/2008, does not challenge the validity of those Official Notice statements. Therefore, these Official Notice statements become Applicant Admitted Prior Art (AAPA) and they are that:

- The automated instructions are adapted to verify that the sum of all selected postings is in the business's favor.
- One of ordinary skill in the art would have added this feature with the motivation to clearly see all the positions of a business or a customer online to make determining profits easier.

Claim Objections

5. Claim 8 is objected to because of the following informalities: The newly amended claim changed the limitation “the customer account including means for” to “the including means for.” Leaving the word “including” within the claim could be confusing as it appears that the

Art Unit: 3626

Applicant desired, “means for” only; without use of any structural reference. Appropriate correction is required.

Claim Rejections - 35 USC § 112

6. Claims 1 – 14 and 21 – 23 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Independent claims 1 and 8 include the limitation “automated instructions that, when executed by the server, configure the server to:.” There is no mention within the detailed description regarding automated instructions and server configuration. Claims 2 – 7, 9 – 14 and 21 – 23 are rejected for the same reasons as they are dependent upon claims 1 and 8 respectively. The Examiner understands these instructions to be parameters or options.

7. Claims 24 – 27 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Independent claim 24 includes:

- “Instructing the reinsurer to pair a payment with one or more upcoming events” The Examiner notes that the customer making payments as described within the Detailed Description is the Insurance Company and not the Reinsurance Company. Therefore, the Examiner finds no support for this limitation. The Examiner understands this to be that the Reinsurance Company will pay claims.

Art Unit: 3626

- Claims 25 – 27 are rejected for the same reasons as being dependent upon claim 24.

8. Claims 8 – 14 and 23 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 8 includes a “means for configuring” without corresponding structure within the detailed description. Claims 9 – 14 and 23 are rejected for the same reason as they are dependent upon claim 8.

Claim Rejections - 35 USC § 102

9. ***Claims 1 – 20 and 23 – 27*** are rejected under 35 U.S.C. 102(e) as being anticipated by Lundegren, U.S. Pre-Grant Publication Number 2002/ 0143584.

10. As per claim 1, Lundegren teaches a system for transacting business between a customer and a business, the system comprising:

- A server used by the business and being accessible by the customer, wherein the business is a reinsurer and the customer is an insurer (figure 1); and
- A customer account housed on the server (paragraphs 27, 36 and 37), the customer account having access to internal records associated with the customer account on the server (paragraph 37 where the client is allowed selected information),
 - Wherein the server includes automated instructions that, when executed by the server, configure the server (paragraph 42, where the parameters are set): that allow the customer
 - To advise the business of an upcoming payment for an upcoming event (figure 6 where upcoming is a future time),
 - To request a payment from the business for a previous event, or

Art Unit: 3626

- To pair a payment with one or more previous events,
 - Wherein the automated instructions are adapted to present on a computer graphical user interface a list of open current account bookings of the customer (figure 3 where the customer could have more than one position open),
 - Wherein the open current account bookings are associated with more than one insurance policy (figure 3 where an unlimited number of positions are possible), and
 - Wherein, using the list, the customer is able to pair a payment associated with a certain insurance policy with a previous event associated with the certain insurance policy (figure 2 where terms are specified).

11. As per claim 2, Lundegren teaches the system of claim 1 as described. Lundegren further teaches the system wherein the previous event is a claim submitted by the customer to the business, and wherein payment is owed to the customer for the claim (paragraph 46).

12. As per claim 3, Lundegren teaches the system of claim 2 as described. Lundegren further teaches the system wherein the claim relates to an insurance claim (paragraph 46).

13. As per claim 4, Lundegren teaches the system of claim 1 as described. Lundegren further teaches the system wherein the upcoming event is a premium payment for an insurance policy (paragraph 45 and 81 where the premium is collected at some future time).

14. As per claim 5, Lundegren teaches the system of claim 1 as described. Lundegren further teaches the system comprising a computer in communication with the server (figure 1), wherein the customer accesses the server through the computer (figure 1).

Art Unit: 3626

15. As per claim 6, Lundegren teaches the system of claim 5 as described. Lundegren further teaches the system wherein the access to the server from the computer includes use of the Internet (figure 1).

16. As per claim 7, Lundegren teaches the system of claim 5 as described. Lundegren further teaches the system wherein the access to the server from the computer is remote (figure 1).

17. As per claim 8, Lundegren teaches a system for transacting business between a customer and a business, the system comprising:

- A server used by the business and being accessible by the customer, wherein the business is a reinsurer and the customer is an insurer (figure 1); and
- A customer account housed on the server (paragraphs 27, 36 and 37),
- A customer account housed on the server (paragraphs 27, 36 and 37), the customer account being configured to permit access to individual records associated with the customer account the including means for configuring the server to perform a process associated with the customer account,
 - The customer account includes means for
 - Advising the business of an upcoming payment for an upcoming event (figure 6 where upcoming is a future time and the means is a computer web page),
 - To request a payment from the business from a previous event, or
 - To pair a payment with one or more previous events,

Art Unit: 3626

- Wherein the server includes automated instructions that are adapted to present on a computer graphical user interface a list of open current account bookings of the customer (figure 3 where the customer could have more than one position open),
- Wherein the open current account bookings are associated with more than one insurance policy (figure 3 where an unlimited number of positions are possible), and
- Wherein, using the list, the customer is able to pair a payment associated with a certain insurance policy with a previous event associated with the certain insurance policy (figure 2 where terms are specified).

18. As per claim 9, Lundegren teaches the system of claim 8 as described above. Lundegren further teaches the system wherein the previous event is a claim submitted by the customer to the business, and wherein payment is owed to the customer for the claim (paragraph 46).

19. As per claim 10, Lundegren teaches the system of claim 9 as described above. Lundegren further teaches the system wherein the claim relates to an insurance claim (paragraph 46).

20. As per claim 10, Lundegren teaches the system of claim 8 as described above. Lundegren further teaches the system wherein the upcoming event is a premium payment for an insurance policy (paragraphs 45 and 81 where the premium is collected at some future time).

21. As per claim 12, Lundegren teaches the system of claim 8 as described above. Lundegren further teaches the system comprising a computer in communication with the server (figure 1), wherein the customer accesses the server through the computer (figure 1).

Art Unit: 3626

22. As per claim 13, Lundegren teaches the system of claim 12 as described above.

Lundegren further teaches the system wherein the access to the server from the computer includes use of the Internet (figure 1).

23. As per claim 14, Lundegren teaches the system of claim 12 as described above.

Lundegren further teaches the system wherein the access to the server from the computer is remote (figure 1).

24. As per claim 15, Lundegren teaches a method of transacting business between a customer and a business, the method comprising:

- Accessing an existing customer account (paragraph 37, where the customer account exists and the customer has secure access), including internal records of the business (paragraph 37 where the client is allowed selected information), on a server used by the business, wherein the business is a reinsurer and the customer is an insurer (figure 1); and
- Accessing a computer graphical user interface that displays a list of open current account bookings of the customer, wherein the open current account bookings are associated with more than one insurance policy (figure 6), and
- Instructing the business
 - To make an upcoming payment for an upcoming event (figure 6 where upcoming is a future time),
 - To request a payment from the business from a previous event, or
 - To pair a payment with one or more upcoming events ,
- Wherein instructing the business to pair a payment with one or more upcoming events comprises using the list to pair a payment associated with a certain insurance policy with

Art Unit: 3626

an upcoming event associated with the certain insurance policy (figure 2 where terms are specified).

25. As per claim 16, Lundegren teaches the method of claim 15 as described above.

Lundegren further teaches the method wherein the previous event is a claim submitted by the customer to the business, and wherein payment is owed to the customer for the claim (paragraph 46).

26. As per claim 17, Lundegren teaches the method of claim 16 as described above.

Lundegren further teaches the method wherein the claim relates to an insurance claim (paragraph 46).

27. As per claim 18, Lundegren teaches the method of claim 15 as described above.

Lundegren further teaches the method wherein the upcoming event is a premium for an insurance policy (paragraph 45 and 81 where the premium is collected at some future time).

28. As per claim 19, Lundegren teaches the method of claim 15 as described above.

Lundegren further teaches the method wherein accessing the customer account involves use of the Internet (figure 1).

29. As per claim 20, Lundegren teaches the method of claim 15 as described above.

Lundegren further teaches the method wherein the customer account is accessed remotely (figure 1).

30. As per claim 23, Lundegren teaches the system of claim 8 as described above.

Lundegren further teaches the system wherein the process is at least one of advising the business of an upcoming payment for an upcoming event, request a payment from the business from a

Art Unit: 3626

previous event or to pair a payment with one or more previous events (paragraph 45, where the payment terms are specified and therefore indicate an upcoming payment).

31. As per claim 24, Lundegren, as understood, teaches a method comprising:

- Remotely accessing an insurer account by an insurer, including internal records of a reinsurer providing coverage to the insurer for clients of the insurer (paragraph 27 for a web page and paragraph 37 where the client is allowed selected information), the account being maintained by the reinsurer (paragraph 27);
- Accessing a computer graphical user interface that displays a list of open current account bookings for clients of the insurer, wherein the open current account bookings are associated with more than one insurance policy in which the reinsurer is obligated to provide reinsurance coverage to the insurer (figure 6), and
- Instructing the reinsurer
 - To pair a payment with one or more upcoming events (paragraph 81 where the event is a claim),
- Wherein instructing the reinsurer to pair a payment with one or more upcoming events comprises using the list to pair a payment associated with a certain insurance policy of the insurer with an upcoming event associated with the certain insurance policy in accordance with an existing reinsurance policy between the insurer and the reinsurer (Optional Language, Not Chosen).

32. As per claim 25, Lundegren teaches the method of claim 24, as understood, as described above. Lundegren further teaches the method wherein the insurer account includes a bordereaux (The Examiner notes that the 'bordereaux' is considered nonfunctional descriptive information

Art Unit: 3626

and therefore has no patentable weight. Any insurance company information, such as company name on figure 5, equally anticipates this limitation).

33. As per claim 26, Lundegren teaches the method of claim 24, as understood, as described above. Lundegren further teaches the method wherein instructing the reinsurer to make an upcoming payment includes off-setting debit and credit items for the insurer (Optional Language, Not Performed).

34. As per claim 27, Lundegren teaches the method of claim 24, as understood, as described above. Lundegren further teaches the method further comprising generating a record of the payment made with the certain insurance policy (The Examiner notes the positive step of generating a record includes the non-functional descriptive information of the information within that record. Therefore, a creation of a record as described in paragraph 55 where the storing of information, a recording, anticipates this claim).

Claim Rejections - 35 USC § 103

35. **Claim 21** is rejected under 35 U.S.C. 103(a) as being unpatentable over Lundegren, U.S. Pre-Grant Publication Number 2002/ 0143584 in view of AAPA.

36. As per claim 21, Lundegren teaches the system of claim 1 as described.

Lundegren further teaches the system wherein the customer advises of an upcoming payment by selecting postings on the list (figure 2 where payment terms are described).

Lundegren does not explicitly teach the system wherein the automated instructions are adapted to verify that the sum of all selected postings is in the business's favor.

It is AAPA that the automated instructions are adapted to verify that the sum of all selected postings is in the business's favor.

Art Unit: 3626

One of ordinary skill in the art at the time of the invention would have added the Official Notice feature to Lundegren. One of ordinary skill in the art would have added this feature with the motivation to clearly see all the positions of a business or a customer online to make determining profits easier (AAPA).

37. **Claim 22** is rejected under 35 U.S.C. 103(a) as being unpatentable over Lundegren, U.S. Pre-Grant Publication Number 2002/ 0143584 in view of Goino, U.S. Pre-Grant Publication Number 2001/ 0056396.

38. As per claim 22, Lundegren teaches the system of claim 1 as described.

Lundegren does not explicitly teach the system wherein the customer requests a payment by selecting postings on the list, and wherein the automated instructions are adapted to verify that the sum of all selected postings is in the customer's favor.

However, Goino teaches the system wherein the customer requests a payment by selecting postings on the list (paragraph 371 where a bidders list is shown), and wherein the automated instructions are adapted to verify that the sum of all selected postings is in the customer's favor (paragraph 372).

One of ordinary skill in the art at the time of the invention would have added these features to Lundegren. One of ordinary skill in the art would have added these features with the motivation to satisfy that requirements other than the price for a client are provided (Goino abstract).

Response to Arguments

39. Applicant's arguments filed 8/15/2008 have been fully considered but they are not persuasive.

- Regarding the 112/1st rejection of independent claims 1 and 8

- The Applicant's points are noted and the Examiner agrees with the Applicant that the software is configured to automatically execute on the server. However the claimed language states, "executed by the server, configure the server." The questions of how the server is configured are broader than just software being executed.
- Regarding the 112/1st rejection of independent claim 24
 - The Examiner notes that some of the Applicant's arguments were persuasive and some were not. The Applicant's arguments regarding the first two limitations were persuasive and therefore the 112/ 1st rejection have been withdrawn.
 - However, regarding the newly amended claim 24 and the previous claim 24, the cited paragraph, 58 of the Pre-Grant Publication, still refers to actions made by the insurance company and not those of the re-insurer. That is, "instructing the reinsurer to pair a payment with one or more upcoming events" is not found.
- Regarding the 112/2nd rejection of independent claim 8

For a computer-implemented means-plus-function claim limitation that invokes 35 U.S.C. 112, sixth paragraph, the corresponding structure is required to be more than simply a general purpose computer or microprocessor.¹ The corresponding structure for a computer-implemented function must include the algorithm as well as the general purpose computer or microprocessor.² The written description of the specification must at least disclose the algorithm that transforms the general purpose microprocessor to a special purpose computer programmed to perform the disclosed algorithm that performs the claimed function.³ Applicant may express the algorithm in any understandable terms including as a mathematical formula, in prose, in a flow chart, or in any other manner that provides sufficient structure.⁴

1. See *Aristocrat Technologies, Inc. v. International Game Technology*, 521 F.3d 1328, 1333, 86 USPQ2d 1235, 1239-40 (Fed. Cir. 2008).

2. See *WMS Gaming, Inc. v. International Game Technology*, 184 F.3d 1339, 51 USPQ2d 1385 (Fed. Cir. 1999).

3. See *Aristocrat*, 521 F.3d at 1338, 86 USPQ2d at 1243.

4. See *Finisar Corp. v. The DIRECTV Group Inc.*, 523 F.3d 1323, 1340, 86 USPQ2d 1609, 1623 (Fed. Cir. 2008).

- Regarding the 35 U.S.C. 102(e) rejection of claims 1 – 20 and 23 – 27.

Art Unit: 3626

- The Applicant states, “Lundegren does not disclose that the screen 75 is available for viewing by the insurer.” The Examiner notes that this limitation is not claimed. However, if it were, the Examiner believes that it would be obvious to modify Lundegren to add additional views.
- The Applicant further states that, “nothing on this screen relates to ‘using the list, the customer is able to pair a payment associated with a certain insurance policy with a previous event associated with the certain insurance policy.’” The Examiner notes that the interpretation of who is paying is not defined. For example, is the re-insurer paying or is the policy holder paying? Second, whether the payment has been made or will be made is not certain. Additionally, the particular kind of event is not defined. For example, a policy may be amended to change the policy holder name. Therefore, the Examiner understands the limitation to be matching a potential payment to a policy where any conceivable change has occurred.
- Dependent claims 2 – 7 continue the reasoning as stated above and is therefore not persuasive.
- Independent claim 8 and the respective dependents 9 – 14 and 23 also are argued with the language as above and are similarly not persuasive.
- Regarding independent claim 15, the Applicant states, “the screen 160 does not illustrate 'a computer graphical user interface that displays a list of open current account bookings of the customer, wherein the open current account bookings are associated with more than one insurance policy.’”

Art Unit: 3626

- The Examiner disagrees by first stating that the reinsurance report shown in figure 6 represents the re-insurance of several policies. Second, the current account bookings may be a single booking. Third, the Ludegren paragraph 77 states, “The bid proposal presentation screen **160** is generally accessible by clients through the website, once the bidding is over.”
- Unlike claim 1, the customer and the business are not defined as an insurance company and a re-insurer. Therefore, it is not clear specifically what the customer is.
 - Dependent claims 16 – 20 continue the reasoning for claim 15 as stated above and is therefore not persuasive.
 - Claims 24 - 27 continue the reasoning for claim 15 as stated above and is therefore not persuasive.
- Regarding the 35 U.S.C. 103(a) rejection of claims 21 and 22. The Examiner notes that no additional arguments were made and is therefore not persuasive by the reasoning as detailed above.

40. Applicant’s arguments, see 35 U.S.C. 112/2nd rejection, filed 8/15/2008, with respect to claim 8 have been fully considered and are persuasive. The 35 U.S.C. 112/2nd rejection of claim 8 has been withdrawn.

41. If the Applicant decides to continue prosecuting this invention and adds details as described within any of figures 5 through 36, the Examiner will, using the rationale found within *KSR International Co. v. Teleflex Inc.*, 82 USPQ2d 1385 (2007), bring in other art related to

Art Unit: 3626

"Systems and methods are disclosed for processing transactions between a customer and a business."

Conclusion

42. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NEAL R. SEREBOFF whose telephone number is (571)270-1373. The examiner can normally be reached on Mon thru Thur from 7:30am to 5pm, with 1st Fri off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Luke Gilligan can be reached on (571) 272-6770. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3626

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/N. R. S./

Examiner, Art Unit 3626

11/7/2008

/Robert Morgan/

Primary Examiner, Art Unit 3626